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Paper No. 3

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AUG 08 2002

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2600**

In re Application of: :
Philip John Martin :
Application No. 09/921,552 :
Filed: 08/06/2001 :
For: TAG AND RECEIVER SYSTEMS :

DECISION ON PETITION

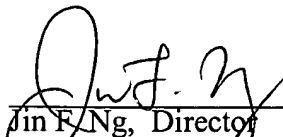
This decision is responsive to the request filed December 6, 2001 (duplicate copies filed January 15, 2002 and March 28, 2002) to "unconditionally withdraw" the above-identified application to ensure that the application does not publish.

Applicant may request that an application not be published if the applicant certifies that the invention has not been and will not be the subject of an application filed in another country (or under international agreement) that requires eighteen month publication. The request for non-publication must be made at the time of filing the application and must be conspicuous in accordance with 35 USC 122(b)(2)(B)(i). Applicant failed to provide a request for non-publication in accordance with 35 USC 122(b)(2)(B)(i) at the time of filing the instant application and therefore the instant application became subject to publication.

An applicant seeking to abandon an application to avoid publication of the application must submit a declaration of express abandonment by way of petition under 37 CFR 1.138(c), including the fee set forth in 37 CFR 1.17(h) in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process. In the instant application, applicant filed a request "to unconditionally withdraw" the application, but did not submit the required declaration of "express abandonment" by way of petition under 37 CFR 1.138(c) and did not include the necessary fee. Accordingly the instant application was published on March 28, 2002.

The request is **DISMISSED**.

The application is being returned to TC 2600 central files to await action by the examiner.


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